

**UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF INDIANA**

FILED
12/06/2023
U.S. DISTRICT COURT SOUTHERN DISTRICT OF INDIANA Roger A.G. Sharpe, Clerk

**D. G. Sweigert,
Plaintiff**

-against-

Jason Goodman,

21st Century 3D

CrowdSource The Truth

**PATREON, INC.
*A Delaware Corporation***

Defendants

PRO SE

1:23-cv-01228-JRS-MG

Judge James R. Sweeney II

Magistrate Judge Mario Garcia

**PLAINTIFF'S OPPOSITION TO DEFENDANT'S
REQUEST FOR JUDICIAL NOTICE ECF NO. 30**

Pursuant to Federal Rule of Evidence 201(e) the undersigned *pro se* Plaintiff hereby objects and contests so-called evidence contained in the Defendant's pleading papers at ECF no. 30, 12/04/2023.

The Plaintiff does not contest the Court's recognition of Exhibit A¹ (ECF no. 30), but any recognition of other materials contained in those pleading papers (ECF no. 30) is hereby opposed.

¹ Case 1:23-cv-01228-JRS-MG Document 30-1 Filed 12/04/23 Page 1 of 81 PageID #: 273

Defendant seeks relief in the form of judicial recognition of non-adjudicative facts contained in poorly labeled exhibits: (1) Twitter manifesto (The Twitter Coup published 12/22/2022 on the Defendant's web-site (Exhibit C²) and (2) Mr. Goodman's motion (Exhibit B³) filed in another court, which that presiding judge labeled as "frivolous", with dozens of motions attached as exhibits with no clear label for exhibits of the Request for Judicial Notice itself. The end result is a jumbled patch-work of speculative pleadings – not court decisions -- which is extremely confusing to follow.

Defendant does not explain the purposes of these so-called exhibits.

Facts are in dispute and are generally not known in this district and cannot be readily validated from sources whose accuracy cannot be questioned concerning the Exhibits presented as the "Twitter Coup" and the accompanying speculative motion⁴. Neither purport to contain facts that can be independently validated as they are subjective editorials. Court pleadings and motions are not evidence of adjudicated facts which would also encompass the manifesto of Mr. Goodman's on-line YouTube conspiracy theories.

"*In re: Lisse* specifically holds that a power of attorney and a motion filed in a state court record were not appropriate subjects of judicial notice in an appeal. Judge Easterbrook noted that if the documents were offered simply to show that they had been filed, judicial notice might be appropriate in that limited context; however, otherwise, judicial notice was inappropriate.⁵" *In re Lisse*, 905 F.3d 495, 496 (7th Cir. 2018) the court did not take notice.

² Case 1:23-cv-01228-JRS-MG Document 30-1 Filed 12/04/23 Page 65 of 81

³ NOTICE OF MOTION TO VACATE VOID JUDGEMENTS

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⁴ Case 1:23-cv-01228-JRS-MG Document 30-1 Filed 12/04/23 Page 10 of 81

⁵ Use of Judicial Notice for Parts of Court Records in Other Cases, in Florida Litigation On Behalf of Jeffrey Law, PA | Mar 5, 2019 | Firm News

“As Judge Easterbrook noted, misuse of judicial notice requests have become far too common. Practitioners who do not understand the proper use of judicial notice requests can cause unnecessary resources to be expended in litigation, or worse, severely prejudice their clients’ cases by placing undue reliance on the availability of judicial notice of evidentiary facts at trial. It is important to combat any inappropriate judicial notice requests in litigation, as such requests can be utilized by parties in an effort to evade the formal rules of evidence.”⁶

CONCLUSION

Plaintiff prays this Court will not take notice of any so-called “facts” in the Defendant’s pleading papers (ECF no. 30), save for Exhibit A.

Signed December 7, 2023 (12/7/2023)

**D. G. SWEIGERT PRO SE PLAINTIFF, C/O
PMB 13339, 514 Americas Way,
Box Elder, SD 57719**

⁵ <https://www.rsjlegal.com/blog/2019/03/use-of-judicial-notice-for-parts-of-court-records-in-other-cases-in-florida-litigation/#:~:text=In%20re%3A%20Lisse%20specifically%20holds,judicial%20notice%20in%20an%20appeal>.

⁶ <https://www.rsjlegal.com/blog/2019/03/use-of-judicial-notice-for-parts-of-court-records-in-other-cases-in-florida-litigation/#:~:text=In%20re%3A%20Lisse%20specifically%20holds,judicial%20notice%20in%20an%20appeal>.